

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

IN RE APACHE CORP. SECURITIES  
LITIGATION

Civil Action No. 4:21-cv-00575

District Judge George C. Hanks, Jr.

Magistrate Judge Andrew M. Edison

**PROOF OF SERVICE OF NOTICE  
OF SETTLEMENT UNDER CLASS ACTION FAIRNESS ACT**

Defendants Apache Corporation (“Apache”), John J. Christmann IV, Timothy J. Sullivan, and Stephen J. Riney, pursuant to this Court’s Order Preliminarily Approving Settlements and Providing for Notice (the “Order”) (Dkt. 163) and through their respective undersigned counsel, submit this Proof of Service of Notice of Settlement Under Class Action Fairness Act, and state as follows:

1. On May 13, 2024, the Court entered the Order and required Defendants to submit “proof by affidavit or declaration” of compliance with the notice requirements of the Class Action Fairness Act (the “Act”). *See* 28 U.S.C. § 1715.

2. Pursuant to the Court’s Order, the Declaration of Amy Hefley is attached as Exhibit 1. Ms. Hefley’s Declaration confirms that on May 14, 2024, the appropriate federal and state government officials were sent notice of the settlement of this action as required by the Act.

Dated: September 16, 2024

Respectfully submitted,

BAKER BOTTS L.L.P.

By: /s/ David D. Sterling

David D. Sterling  
Attorney-In-Charge  
State Bar No. 19170000  
Federal I.D. No. 07079  
Amy Pharr Hefley  
State Bar No. 24046046  
J. Mark Little  
State Bar No. 24078869  
Federal I.D. No. 1487508  
Anthony J. Lucisano  
State Bar No. 24102118  
Federal I.D. No. 3369146  
Frank Mace  
State Bar No. 24110609  
Federal I.D. No. 3385915  
910 Louisiana Street  
Houston, Texas 77002  
(713) 229-1946  
(713) 229-7946 (Fax)  
david.sterling@bakerbotts.com  
amy.hefley@bakerbotts.com  
mark.little@bakerbotts.com  
anthony.lucisano@bakerbotts.com  
frank.mace@bakerbotts.com

John B. Lawrence  
Texas Bar No. 24055825  
S.D. Tex. No. 3124414  
2001 Ross Avenue, Suite 900  
Dallas, Texas 75201  
(214) 953-6873  
(214) 661-4873 (Fax)  
john.lawrence@bakerbotts.com

ATTORNEYS FOR DEFENDANTS APACHE  
CORPORATION, JOHN J. CHRISTMANN IV,

TIMOTHY J. SULLIVAN, AND STEPHEN J.  
RINEY

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was served via ECF on all counsel of record on this 16th day of September, 2024.

/s/ Amy Pharr Hefley  
Amy Pharr Hefley

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

IN RE APACHE CORP. SECURITIES  
LITIGATION

Civil Action No. 4:21-cv-00575

District Judge George C. Hanks, Jr.

Magistrate Judge Andrew M. Edison

**DECLARATION OF AMY HEFLEY**

I, Amy Pharr Hefley, declare the following pursuant to 28 U.S.C. § 1746:

1. I am an attorney with the law firm of Baker Botts L.L.P., which is counsel of record for Defendants Apache Corporation (“Apache”), John J. Christmann IV, Timothy J. Sullivan, and Stephen J. Riney in the above-styled cause of action. I am a member in good standing of the State Bar of Texas.

2. I am legally competent to make this declaration. I have personal knowledge and am familiar with the matters stated in this declaration, and all of the facts and statements contained herein are true and correct.

3. On May 14, 2024, Baker Botts sent 57 CAFA Notice Packages (“Notice”). The Notice was mailed by certified mail to 57 officials, including to the Attorney General of the United States and the Attorneys General for each of the 50 states, the District of Columbia and the U.S. Territories. The CAFA Notice Service List is attached hereto as **Attachment 1**.

4. The materials sent to the Attorneys General included a cover letter which provided notice of the proposed settlement of the above-captioned case. The cover letter sent to the Attorney General of the United States is attached hereto as **Attachment 2**.

5. The cover letter was accompanied by a CD, which included the following:

- a. The live complaint, which is the Consolidated Amended Complaint for Violation of Federal Securities Law, with exhibits (filed December 17, 2021), and all prior complaints filed in this matter: the Original Complaint for Violation of the Federal Securities Laws (filed February 23, 2021).
- b. The parties' Stipulation and Agreement of Settlement, a proposed Order Preliminarily Approving Settlement and Providing for Notice, a Postcard Notice, a Notice of Proposed Settlement of Class Action, a Summary Notice, a Proof of Claim and Release, a proposed Order and Final Judgment, and the Plaintiffs' Unopposed Motion for an Order Preliminarily Approving Proposed Settlement and Authorizing Dissemination of Notice to the Settlement Class, and Supporting Memorandum of Law (all filed May 8, 2024).
- c. The Court's May 13, 2024 Order Preliminarily Approving for Settlement and Providing for Notice.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 8, 2023.

  
Amy Pham Hefley

# ATTACHMENT 1

**CAFA NOTICE SERVICE LIST  
USPS CERTIFIED MAIL**

Attorney General	Full Name	Address
United States	Merrick B. Garland	950 Pennsylvania Avenue, NW Washington, DC 20530-0001
Alabama	Steven T. Marshall	501 Washington Ave. Montgomery, Alabama 36104
Alaska	Treg Taylor	1031 W. 4th Ave., Suite 200 Anchorage, Alaska 99501
Arizona	Kristin Kay Mayes	400 W Congress Street, Suite S315 Tucson, AZ 85701
Arkansas	John Timothy Griffin	323 Center St., Suite 200 Little Rock, Arkansas 72201
California	Robert Andres Bronta	1300 I Street Sacramento, California 95814-2919
Colorado	Philip J. Weiser	1300 Broadway, 10th Floor Denver, Colorado 80203
Connecticut	William M. Tong	165 Capitol Ave., Ste. 3000 Hartford, CT 06106
Delaware	Kathleen Jennings	820 N. French Street Wilmington, DE 19801
Florida	Ashley B. Moody	The Capitol PL-01 Tallahassee, Florida 32399-1050
Georgia	Christopher M. Carr	40 Capitol Square, SW Atlanta, Georgia 30334
Hawaii	Anne E. Lopez	425 Queen St. Honolulu, Hawaii 96813
Idaho	Raúl Labrador	700 W. Jefferson St., Suite 210 Boise, Idaho 83720-0010
Illinois	Kwame Raoul	200 S Wyman St. Ste. 307 Rockford, IL 61101
Indiana	Todd E. Rokita	302 W. Washington St., 5th Floor Indianapolis, Indiana 46204
Iowa	Brenna Bird	1305 E. Walnut St. Des Moines, Iowa 50319
Kansas	Kris W. Kobach	120 SW 10th Ave., 2nd Floor Topeka, Kansas 66612
Kentucky	Russell Coleman	700 Capitol Ave., Suite 118 Frankfort, Kentucky 40601-3449
Louisiana	Elizabeth Murrill	1885 N. Third St. Baton Rouge, Louisiana 70802



Attorney General	Full Name	Address
Maine	Aaron M. Frey	6 State House Station Augusta, Maine 04333
Maryland	Anthony G. Brown	200 St. Paul Place Baltimore, Maryland 21202
Massachusetts	Andrea J. Campbell	One Ashburton Place, 20th Floor Boston, Massachusetts 02108-1518
Michigan	Dana Nessel	525 W. Ottawa St., 7th Floor Lansing, Michigan 48909
Minnesota	Keith M. Ellison	445 Minnesota St., Suite 1400 St. Paul, Minnesota 55101-2131
Mississippi	Lynn Fitch	550 High St., Suite 1200 Jackson, Mississippi 39201
Missouri	Andrew Bailey	207 W. High St. Jefferson City, Missouri 65102
Montana	Austin M. Knudsen	215 N. Sanders, 3rd Floor Helena, Montana 59620-1401
Nebraska	Mike Hilgers	2115 State Capitol Lincoln, Nebraska 68509
Nevada	Aaron D. Ford	100 N. Carson St. Carson City, Nevada 89701
New Hampshire*	John M. Formella	33 Capitol St. Concord, New Hampshire 03301
New Jersey	Matt Platkin	8th Floor, West Wing 25 Market Street Trenton, New Jersey 08625-0080
New Mexico	Raul Torrez	408 Galisteo St. Santa Fe, New Mexico 87501
New York	Letitia James	The Capitol Albany, New York 12224-0341
North Carolina	Joshua H. Stein	114 W. Edenton St. Raleigh, North Carolina 27603
North Dakota	Drew H. Wrigley	600 E. Boulevard Ave., Dept. 125 Bismarck, North Dakota 58505-0040
Ohio	David A. Yost	30 E. Broad St., 14th Floor Columbus, Ohio 43215
Oklahoma	Gentner F. Drummond	313 NE 21st St. Oklahoma City, Oklahoma 73105
Oregon	Ellen F. Rosenblum	1162 Court Street NE Salem, Oregon 97301-4096
Pennsylvania	Michelle A. Henry	16th Floor, Strawberry Square Harrisburg, PA 17120

Attorney General	Full Name	Address
Rhode Island	Peter F. Neronha	150 S. Main St. Providence, Rhode Island 02903
South Carolina	Alan M. Wilson	1000 Assembly St., Room 519 Columbia, South Carolina 29201
South Dakota	Martin J. Jackley	1302 E. Highway 14, Suite 1 Pierre, South Dakota 57501-8501
Tennessee	Jonathan T. Skrmetti	P.O. Box 20207 Nashville, Tennessee 37202-0207
Texas	Warren Kenneth Paxton, Jr.	P.O. Box 12548 Austin, Texas 78711-2548
Utah	Sean David Reyes	350 N. State St., Suite 230 Salt Lake City, Utah 84114-2320
Vermont	Charity Rae Clark	109 State Street Montpelier, Vermont 05609-1001
Virginia	Jason S. Miyares	202 N. Ninth St. Richmond, Virginia 23219
Washington	Robert W. Ferguson	1125 Washington St. SE Olympia, Washington 98504-0100
West Virginia	Patrick J. Morrissey	Building 1, Room E-26 Charleston, West Virginia 25305
Wisconsin	Joshua L. Kaul	P.O. Box 7857 Madison, Wisconsin 53707-7857
Wyoming	Bridget Hill	109 State Capitol Cheyenne, WY 82002
Puerto Rico	Domingo Emanuelli Hernández	P.O. Box 902192 San Juan, Puerto Rico 00902-0192
District of Columbia*	Brian L. Schwalb	441 4th St., N.W. Washington, District of Columbia 20001
Guam	Douglas Moylan	590 S. Marine Corps Drive Tamuning, Guam 96913
U.S.V.I.	Ian Clement (acting)	3438 Kronprindsens Gade St. Thomas, U.S. Virgin Islands 00802
American Samoa	Fainu'ulelei Alailima-Utu	Executive Office Building, 3rd Floor, P.O. Box 7 Utulei, American Samoa 96799
Northern Mariana Islands	Edward Manibusan	Caller Box 10007 Saipan, Northern Mariana Islands 96950

# ATTACHMENT 2

**BAKER BOTTS** LLP

910 LOUISIANA  
HOUSTON, TEXAS  
77002-4995

TEL +1 713.229.1234  
FAX +1 713.229.1522  
BakerBotts.com

AUSTIN  
BRUSSELS  
DALLAS  
DUBAI

**HOUSTON**  
LONDON

NEW YORK  
PALO ALTO  
RIYADH  
SAN FRANCISCO  
SINGAPORE  
WASHINGTON

September 15, 2024

016858.0143

**VIA CERTIFIED MAIL**

Amy Pharr Hefley  
TEL: 713.229.1270  
FAX: 713.229.2770  
amy.hefley@bakerbotts.com

The Honorable Merrick B. Garland  
Attorney General of the United States  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

Re: Notice Pursuant to 28 U.S.C. § 1715 of Proposed Settlement in *In re Apache Corp. Securities Litigation*, Case No. 4:21-cv-00575, in the United States District Court for the Southern District of Texas

Dear Attorney General Garland:

Apache Corp. and its successor APA Corporation, John J. Christmann IV, Timothy J. Sullivan, and Stephen J. Riney (collectively, “Defendants”) notify you, pursuant to the Class Action Fairness Act of 2005, 28 U.S.C. §§ 1711–1715, that Defendants and Plymouth County Retirement Association and the Trustees of the Teamsters Union No. 142 Pension Fund (collectively, “Plaintiffs”), on behalf of themselves and all others similarly situated, have filed with the Court a proposed settlement of this class action. Defendants deny any wrongdoing or liability whatsoever but have decided to settle this action recognizing that there is uncertainty and risk in any complex litigation and that further litigation would be protracted and expensive. The following documents, which are contained on the enclosed CD, more fully describe the matter and settlement:

1. The live complaint, which is the Consolidated Amended Complaint for Violation of Federal Securities Law, (filed December 17, 2021) and Exhibits A and B thereto, as well as all prior complaints filed in this matter: the Original Complaint for Violation of the Federal Securities Laws (filed February 23, 2021).
2. The parties’ Stipulation and Agreement of Settlement, a proposed Order Preliminarily Approving Settlement and Providing for Notice (Exhibit A), a Postcard Notice (Exhibit A-1), a Notice of Proposed Settlement of Class Action (Exhibit A-2), a Summary Notice (Exhibit A-3), a Proof of Claim and Release (Exhibit A-4), a proposed Order and Final Judgment (Exhibit B), and the Plaintiffs’ Unopposed Motion for an Order Preliminarily Approving Proposed Settlement and Authorizing Dissemination of Notice to the Settlement Class, and Supporting Memorandum of Law (all filed May 8, 2024).

**BAKER BOTTS** LLP

The Honorable Merrick B. Garland

- 2 -

September 15, 2024

3. The Court's May 13, 2024 Order Preliminarily Approving for Settlement and Providing for Notice.

If you are unable to access any of the documents on the enclosed CD, or if you prefer to receive paper copies of these documents, please contact me.

This notice and the enclosed materials satisfy Defendants' notification obligations pursuant to the Class Action Fairness Act with respect to this action. The enclosed complaints satisfy 28 U.S.C. § 1715(b)(1), and the enclosed documents filed May 8, 2024 satisfy § 1715(b)(3)-(5).

A hearing on the settlement has been scheduled for September 19, 2024 at 10:00 a.m. in Courtroom 8B of the Bob Casey United States Courthouse, 515 Rusk Street, Houston, TX 77002, with the United States District Court for the Southern District of Texas. *See id.* § 1715(b)(2). A notification to settlement class members of a proposed settlement and of settlement class members' rights to request exclusion from the settlement class, as well as the proposed settlement, were filed on May 8, 2024 and are enclosed. *See id.* § 1715(b)(3)-(5). Also enclosed is the Court's May 13, 2024 Order Preliminarily Approving Settlement and Providing for Notice. *See id.* § 1715(b)(8).

There are currently no other written judicial opinions related to the materials described in § 1715(b)(3)-(6), nor has any final judgment or notice of dismissal been filed at this time. *See id.* § 1715(b)(6), (8).

Because the settlement class has not yet been certified and potential class members have not yet submitted claim forms, it is not feasible for Defendants to provide: (a) the names of class members who reside in each state; (b) a reasonable estimate of the number of class members residing in each state; or (c) a reasonable estimate of the proportionate share of the claims of class members residing in each state to the entire settlement. *See id.* § 1715(b)(7). Class members who properly submit valid claim forms will receive a recovery as described in the enclosed Stipulation of Settlement.

I submit this notice on behalf of Defendants. If you have any questions about it, the lawsuit, or the enclosed materials, please do not hesitate to contact me.

Sincerely,



Amy Pharr Hefley  
*Attorney for Defendants*  
*Apache Corp., APA Corporation, John J.*  
*Christmann IV, Timothy J. Sullivan, and Stephen J.*  
*Riney*

Enclosures